Rules and Regulations

Federal Register

Vol. 77, No. 198

Friday, October 12, 2012

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 1

[Docket No. FAA–2012–1043; Amdt. Nos. 1–1]

Night Definition; Technical Amendment

AGENCY: Federal Aviation Administration, DOT.

ACTION: Technical amendment.

SUMMARY: The FAA is correcting the title of the publication ''American Air Almanac'' to its current title ''Air Almanac''. This document corrects this minor technical error in the codified regulations.

DATES: Effective October 12, 2012.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Ida M. Klepper, Airmen and Airspace Rules Division, Office of Rulemaking, ARM–100, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–9677; email: *Ida.Klepper@faa.gov.*

Background

The former ''American Air Almanac'' was created to meet the general requirements for air navigation in the United Kingdom, the United States, and Canada. In 14 CFR 1.1 the definition of night refers to twilight times as published in the ''American Air Almanac''. The ''American Air Almanac'' publication ceased in 1953 and is currently called the ''Air Almanac''. This technical amendment corrects the title of the publication.

Technical Amendment

This technical amendment makes one revision to the codified text § 1.1. The language in § 1.1incorrectly uses the title ''American Air Almanac'' when it should read ''Air Almanac''.

Because the change in this technical amendment results in no substantive change, we find good cause exists under 5 U.S.C. 553(d)(3) to make the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 1

Air transportation.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

■ 1. The authority citation for part 1 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

■ 2. In § 1.1, revise the definition of ''Night'' to read as follows:

§ 1.1 General definitions.

* * * * *

Night means the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the Air Almanac, converted to local time.

* * * * *

Issued in Washington, DC, on September 20, 2012.

Lirio Liu,

Acting Director, Office of Rulemaking.

[FR Doc. 2012–25032 Filed 10–11–12; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2012–0370; FRL–9738–3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pittsburgh-Beaver Valley Nonattainment Area Determinations of Attainment of the 1997 Annual Fine Particulate Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is making two determinations regarding the Pittsburgh-Beaver Valley fine particulate matter ($PM_{2.5}$) nonattainment area (hereafter referred to as ''the Pittsburgh Area'' or ''the Area''). First, EPA determines that the Area has attained the 1997 annual $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS). This determination of attainment is based upon quality-assured, quality-controlled and certified ambient air monitoring data for the 2008–2010 and 2009–2011 monitoring periods, showing that the Pittsburgh Area has monitored attainment of the 1997 annual $PM_{2.5}$ NAAQS. In accordance with the EPA's applicable $PM_{2.5}$ implementation rule, this determination of attainment suspends the requirements for the Area to submit an attainment demonstration and associated reasonably available control measures (RACM), a reasonable further progress (RFP) plan, contingency measures, and other planning State Implementation Plan (SIP) revisions related to the attainment of the standard for so long as the Area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. EPA also determines, based on quality-assured, quality-controlled, and certified monitoring data for the 2007–2009 monitoring period, that the Area attained the 1997 annual $PM_{2.5}$ NAAQS by its applicable attainment date of April 5, 2010. These actions are being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on October 12, 2012.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2012–0370. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Emlyn Vélez-Rosa, (215) 814–2038, or by email at *velez-rosa.emlyn@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. Background
II. Summary of Actions
III. Final Action
IV. Effective Date
V. Statutory and Executive Order Reviews

I. Background

On July 16, 1997, EPA established an annual $PM_{2.5}$ NAAQS at 15.0 micrograms per cubic meter (μg/m³) (hereafter referred to as ''the 1997 annual $PM_{2.5}$ NAAQS'' or ''the annual $PM_{2.5}$ standard''), based on a 3-year average of annual mean $PM_{2.5}$ concentrations (62 FR 38652, July 18, 1997). On January 5, 2005, EPA published its air quality designations and classifications for the 1997 annual $PM_{2.5}$ NAAQS based upon air quality monitoring data for calendar years 2001–2003 (70 FR 944). These designations, effective on April 5, 2005, included the Pittsburgh Area as a nonattainment area for the 1997 annual $PM_{2.5}$ NAAQS. On March 29, 2007, EPA issued a detailed 1997 $PM_{2.5}$ implementation rule, codified at 40 CFR part 51, subpart Z, in which EPA provided guidance for state and tribal plans to implement the 1997 annual $PM_{2.5}$ NAAQS (72 FR 20586, April 25, 2007).

On June 11, 2012 (77 FR 34297), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania, proposing two determinations of attainment of the 1997 annual $PM_{2.5}$ NAAQS for the Pittsburgh Area. First, EPA proposed to determine that the Pittsburgh Area has attained the 1997 annual $PM_{2.5}$ NAAQS, based upon quality-assured, quality-controlled, and certified ambient air monitoring data for the 2008–2010 period and preliminary data for 2009–2011. The 2011 data have now been quality-assured and certified, and show that the area continues to attain based on certified data for 2009–2011. *See* Table 1. In accordance with 40 CFR 51.1004(c), EPA's final determination of attainment suspends the requirements for the Pittsburgh Area to submit an attainment demonstration and RACM, a RFP plan, contingency measures, and other planning SIP revisions related to the attainment of the 1997 annual $PM_{2.5}$ NAAQS for so long as the Area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. In the NPR, EPA also proposed to determine that the Area attained the 1997 annual $PM_{2.5}$ NAAQS by its applicable attainment date of April 5, 2010, based on quality-assured, quality-controlled, and certified monitoring data for the 2007–2009 monitoring period.

II. Summary of Actions

EPA has previously determined that the $PM_{2.5}$ monitoring network for the Pittsburgh Area is adequate.[1] EPA found that the number of $PM_{2.5}$ monitors in the Area meets the minimum regulatory requirements given in 40 CFR part 58, appendix D, and that monitoring is in accordance with Pennsylvania's most recent annual monitoring network plan approved by EPA, as required by 40 CFR 58.10.

In this final rulemaking, EPA is determining that the Pittsburgh Area has attained the 1997 annual $PM_{2.5}$ NAAQS, based on the most recent three years of quality-assured, quality-controlled, and certified data, and is also determining that the Area attained the 1997 annual $PM_{2.5}$ NAAQS by its applicable attainment date of April 5, 2010. In accordance with the requirements of 40 CFR part 50, EPA has reviewed the quality-assured, quality-controlled, certified $PM_{2.5}$ data recorded in the EPA's Air Quality System (AQS) database for the Pittsburgh Area during 2007–2009, 2008–2010, and 2009–2011 monitoring periods.

Monitoring data for 2011, which was recently quality-assured, quality-controlled, and certified, show that the area continues to attain based on certified data for 2009–2011. Table 1 below shows the $PM_{2.5}$ annual design values for the Pittsburgh Area during the 2009–2011 period. The $PM_{2.5}$ annual design value for the Pittsburgh Area during 2009–2011 is 14.7 μg/m³, based on the Orchard monitoring site, located in Allegheny County. The $PM_{2.5}$ monitoring data for 2007–2009 and 2008–2010 were set forth in EPA's June 11, 2012 NPR (77 FR 34297).

TABLE 1—PITTSBURGH AREA 2009–2011 ANNUAL $PM_{2.5}$ DATA

[In μg/m³]

County	Site ID	Site name	Annual mean			2009–2011 Design value	Completeness status[1]
			2009	2010	2011		
Allegheny	42–003–0002	Orchard	.....	16.3	13.1	14.7	Incomplete[2]
Allegheny	42–003–0008	Lawrence	11.6	12.2	11.1	11.6	Complete
Allegheny	42–003–0067	South Fayette	10.8	11.7	10.6	11.0	Complete
Allegheny	42–003–0093	North Park	9.6	10.5	9.0	9.7	Max. Quarter
Allegheny	42–003–0095	Moon	9.4	11.5	.....	10.5	Incomplete[2]
Allegheny	42–003–1008	Harrison	12.7	13.0	11.6	12.4	Max. Quarter
Allegheny	42–003–1301	N. Braddock	12.1	13.7	12.3	12.7	Collocated
Armstrong	42–005–0001	Kittaning	11.0	13.2	12.1	12.1	Incomplete[2]
Beaver	42–007–0014	Beaver Falls	13.0	12.5	11.7	12.4	Complete
Washington	42–125–0005	Charleroi	12.6	13.2	12.0	12.6	Max. Quarter
Washington	42–125–0200	Washington	11.1	12.1	10.8	11.3	Complete
Washington	42–125–5001	Florence	12.2	8.9	5.9	9.0	Complete
Westmoreland	42–129–0008	Greensburg	13.5	14.0	13.7	13.7	Statistical

[1] This column indicates if the design value for the monitor is: valid and complete (''Complete'') or incomplete (''Incomplete''). It also indicates which data substitution method, if any, was used to deem an incomplete design value valid and ''Complete'': ''Max. Quarter'' denotes the maximum quarter data substitution test; ''Collocated'' denotes the collocated data substitution test; ''Statistical'' denotes that EPA's statistical procedure has been applied to address the missing data. Note that these techniques are discretionary.

[2] These monitors did not collect sufficient data during 2009–2011 due to shut-downs or startups.

[1] The Commonwealth of Pennsylvania's August 4, 2011 annual ambient monitoring network plan was approved by EPA in a December 6, 2011 letter from Shawn M. Garvin, Regional Administrator of EPA Region III, to Michael L. Krancer, Secretary of the Pennsylvania Department of Environmental Protection.

Several monitors did not meet the completeness requirement for one or more quarters during 2009–2011. EPA addressed the missing data of each of the monitors in order to determine if the monitors were attaining the 1997 annual $PM_{2.5}$ NAAQS, by applying one of these methods: Maximum quarter data substitution test, collocated data substitution test, and EPA's statistical method. Additional information about the monitoring network and air quality data used in this determination can be found in the Technical Support Document for this final rulemaking notice (FRN) which is available online at *www.regulations.gov,* Docket number EPA–R03–OAR–2012–0370.

The quality-assured, quality-controlled, certified data for 2008–2010 and 2009–2011 show that the Pittsburgh Area has monitored attainment of the 1997 annual $PM_{2.5}$ NAAQS. Additionally, preliminary $PM_{2.5}$ data available for 2012 is consistent with continued attainment of the 1997 annual $PM_{2.5}$ NAAQS in the Pittsburgh Area. EPA's evaluation of the quality-assured, quality-controlled, certified monitoring data from 2007–2009 show that the Pittsburgh Area attained the 1997 annual $PM_{2.5}$ NAAQS by its applicable attainment date.

No public comments were submitted in response to the NPR. Additional information about the monitoring network and air quality data used in this determination is available in the Technical Support Documents for the NPR and the FRN. Relevant support documents for this action are available online at *www.regulations.gov,* Docket number EPA–R03–OAR–2012–0370.

III. Final Action

EPA is making two final determinations. First, EPA determines that the Area has attained the 1997 annual $PM_{2.5}$ NAAQS, based upon quality-assured and certified ambient air monitoring data for the 2008–2010 and 2009–2011 periods. Pursuant to 40 CFR 51.1004(c), this determination of attainment will suspend the requirements for the Area to submit an attainment demonstration and associated RACM, RFP plan, contingency measures, and other planning SIP revisions related to the attainment of the standard, for so long as the Area continues to attain the 1997 annual $PM_{2.5}$ NAAQS. Second, EPA determines that the Area attained the 1997 annual $PM_{2.5}$ NAAQS by its applicable attainment date of April 5, 2010, based on quality-assured, quality-controlled and certified monitoring data for the 2007–2009 monitoring period. This determination of attainment fulfills EPA's obligation pursuant to section 179(c)(1) of the CAA.

Finalizing these determinations or either of them does not constitute a redesignation of the Pittsburgh Area to attainment for the 1997 annual $PM_{2.5}$ NAAQS under CAA section 107(d)(3). Neither determination of attainment involves approving a maintenance plan for the Pittsburgh Area, nor determines that the Area has met all the requirements for redesignation under the CAA, including that attainment be due to permanent and enforceable emission reductions.[2] Therefore, the designation status of the Pittsburgh Area will remain nonattainment for the 1997 annual $PM_{2.5}$ NAAQS until such time as EPA takes final rulemaking action to determine that such portions meet the CAA requirements for redesignation to attainment.

IV. Effective Date

EPA finds that there is good cause for this approval to become effective on the date of publication because this action suspends the requirements for the Pittsburgh Area to submit an attainment demonstration and associated RACM, RFP plans, contingency measures and other SIPs related to attainment of the 1997 annual $PM_{2.5}$ NAAQS required by CAA Section 172(c). *See* 40 CFR 51.1004(c). The expedited effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rule actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction'' and section 5 U.S.C. 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The relief from these SIP planning obligations in CAA Section 172(c) is sufficient reason to allow an expedited effective date of this rule under 5 U.S.C. 553(d)(1) and (3).

V. Statutory and Executive Order Reviews

A. General Requirements

This action, which makes determinations of attainment based on air quality, will result in the suspension of certain Federal requirements and/or will not impose any additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a

[2] The monitoring data for the 2008–2010 and 2009–2011 monitoring periods that are relied on in this notice may be impacted by reductions associated with the Clean Air Interstate Rule (CAIR), which was remanded to EPA in 2008. *North Carolina* v. *EPA,* 531 F.3d 896, *as modified on reh'g,* 550 F.3d 1176 (DC Cir. 2008). Nonetheless, because these determinations address only whether the monitoring data show attainment, at this time EPA need not address whether such attainment was due to the remanded CAIR.

report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 2012. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action, in which EPA determines that the Pittsburgh Area has attained the 1997 annual $PM_{2.5}$ NAAQS and attained the 1997 annual $PM_{2.5}$ NAAQS by its attainment date, may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Shawn M. Garvin,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NN—Pennsylvania

■ 2. Section 52.2056 is amended by adding paragraph (h) to read as follows:

§ 52.2056 Determinations of Attainment.

* * * * *

(h) Based upon EPA's review of the air quality data for the 3-year period 2007 to 2009, EPA determined that the Pittsburgh-Beaver Valley fine particle ($PM_{2.5}$) nonattainment area attained the 1997 annual $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) by the applicable attainment date of April 5, 2010. Therefore, EPA has met the requirement pursuant to CAA section 179(c) to determine, based on the area's air quality as of the attainment date, whether the area attained the standard. EPA also determined that the Pittsburgh-Beaver Valley $PM_{2.5}$ nonattainment area is not subject to the consequences of failing to attain pursuant to section 179(d).

■ 3. Section 52.2059 is amended by adding paragraph (g) to read as follows:

§ 52.2059 Control strategy: Particulate matter.

* * * * *

(g) Determination of Attainment. EPA has determined, as of October 12, 2012, that based on 2008 to 2010 and 2009 to 2011 ambient air quality data, the Pittsburgh-Beaver Valley fine particle ($PM_{2.5}$) nonattainment area has attained the 1997 annual $PM_{2.5}$ national ambient air quality standards (NAAQS). This determination, in accordance with 40 CFR 52.1004(c), suspends the requirements for the Pittsburgh-Beaver Valley $PM_{2.5}$ nonattainment area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual $PM_{2.5}$ NAAQS.

[FR Doc. 2012–24782 Filed 10–11–12; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2011–0227; FRL–9734–7]

Approval and Promulgation of Implementation Plans; Kentucky; Approval of Revisions to the Jefferson County Portion of the Kentucky SIP; New Source Review; Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve multiple changes to the Jefferson County portion of the Kentucky State Implementation Plan (SIP), submitted by the Commonwealth of Kentucky, through the Kentucky Division for Air Quality (KDAQ), to EPA in two submittals dated June 1, 2009, and February 8, 2011. These revisions were submitted by KDAQ on behalf of the Louisville Metro Air Pollution Control District (LMAPCD) (also referred to as Jefferson County) and modify the LMAPCD New Source Review (NSR) Prevention of Significant Deterioration (PSD) permitting regulations. EPA is approving Jefferson County's June 1, 2009, and February 8, 2011, SIP revisions because the Agency has determined that these SIP revisions are consistent with the Clean Air Act (CAA or Act) and EPA regulations regarding the PSD permitting program.

DATES: This rule is effective November 13, 2012.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2011–0227. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: For information regarding the Jefferson County portion of the Kentucky SIP, contact Ms. Twunjala Bradley, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Bradley's telephone number is (404) 562–9352; email address: *bradley.twunjala@epa.gov.* For information regarding the GHG Tailoring Rule, 2002 NSR Reform and NSR $PM_{2.5}$ Rule, contact Yolanda Adams, Air Permits Section, at the same address above. Ms. Adams' telephone number is (404) 562–9214; email address: *adams.yolanda@epa.gov.* For information regarding the Phase II Rule and ozone NAAQS, contact Jane Spann, Regulatory Development Section, at the same address above. Ms. Spann's telephone number is (404) 562–9029; email address: *spann.jane@epa.gov.* For information regarding the $PM_{2.5}$ NAAQS, contact Mr. Joel Huey, Regulatory Development Section, at the